

United States District Court

for the
Southern District of Indiana

FILED

07/13/2021

U.S. DISTRICT COURT
~~SOUTHERN DISTRICT OF INDIANA~~
Roger A.G. Sharpe, Clerk

Bradley Erhart,

Plaintiff,

v.

Nancy Erhart,

Defendant.

Case No. 1:21-cv-1829-TWP-TAB

Motion to Object and Oppose Defendant's Notice of Extension of Time to Answer or Otherwise Plead

Comes now the pro se Plaintiff, Bradley Erhart, who respectfully moves this court to deny Defendant's Automatic Initial Extension filed under Local Rule 6-1(a). In support of this denial, Plaintiff states:

1. Defendant waited until last minute to contact Plaintiff requesting an extension. The Defendant's counsel called Plaintiff at 12:10PM EDT on 07/13/2021, according to

phone records, to see if he objects to the Automatic Initial Extension, in which Plaintiff was unavailable at that time.

2. Defendant claims that they emailed Plaintiff at 12:26PM EDT, however Plaintiff received the email from Defendant's counsel at 1:44PM EDT stating they will be filing for Automatic Initial Extension **AFTER** the Notice of Extension had already been filed by Defendant.
3. Defendant only allotted less than 2 hours for Plaintiff to object, not giving Plaintiff adequate time.
4. Plaintiff contacted Defendant's counsel at 3:17PM EDT via phone stating they affirmatively object to the extension, thus giving Defendant ample time to file a motion as required per Local Rule 6-1(c). Defendant's counsel refused to file a motion stating that the court would grant them the extension regardless.
5. Defendant states in their Notice of Extension the reason for extension is because counsel only recently received the Complaint, failing to state how those reason(s) constitute good cause as required by Federal Rule of Civil Procedure 6(b).
6. Plaintiff in his complaint moves for expedited discovery due to concerns of Defendant continuing to damage and conceal property.
7. Plaintiff will be prejudiced if an extension is granted as he believes the actions in his complaint are still occurring.

Wherefore, Plaintiff Bradley Erhart respectfully requests based on these statements and, hereby officially declaring his affirmative objection per Local Rule 6-1 and sent to the Clerk of Court on this day, that this Court **deny** Defendant's Automatic Initial Extension per

Federal Rules of Civil Procedure 12(a), 11(b), and 1. If no motion for extension is filed by Defendant by the deadline of 11:59PM EDT on this day of July 13, 2021, it is kindly asked that the court request the Clerk of Court to enter the Defendant's default per Federal Rule of Civil Procedure 55(a) and Local Rule 6-1(c).

I state under penalty of perjury that the foregoing is true and correct.

Executed on July, 13 2021.

Signature of Plaintiff: /Bradley Erhart/

Bradley Erhart

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